

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15278 of 2020**

Arising Out of PS. Case No.-757 Year-2019 Thana- SIWAN CITY District- Siwan

1. CHHOTE
2. Bhola Miya Both S/o Late Lal Babu Resident of Village- Ramrajya More,
P.S.- Siwan Town, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Pandey, Adv.

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary, APP

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER**

4 04-11-2020 Heard both sides through Video Conferencing.

The petitioners apprehend their arrest in Siwan Town
P.S. Case No.757 of 2019 registered under Sections 307 and 34
of the Indian Penal Code and under Section 27 of the Arms Act.

The informant alleged that while he was returning to
his house after closing his shop and when he reached near
Salonipur More, he suspected that three persons riding on a
motorcycle were chasing him. They overtook the motorcycle of
the informant. Out of three persons, one person fired which hit
on the scapular region of the informant. The informant did not
identify any of the accused persons but the informant suspected
that three days before the occurrence, he had verbal altercation
with Chhote and Bhola Miya and their driver, Noor Alam for



parking the auto rickshaw and the informant suspected that they might have committed the occurrence as they had threatened the informant of dire consequences.

The learned counsel for the petitioners submits that save and except suspicion, there is no material to show that the petitioners fired. Noor Alam was the driver of the auto rickshaw of the petitioners. Only simple altercation had taken place as Noor Alam had parked the auto rickshaw in front of the shop of the informant. The informant himself stated in the F.I.R. that he could not identify any of three persons who were riding on the motorcycle. Even during the course of investigation, the investigating officer did not collect any tangible material against the petitioners and on mere suspicion, the police filed chargesheet against the petitioners.

Learned A.P.P. however, opposed the prayer for anticipatory bail but could not be able to show any tangible material to show that the petitioners were riding on the motorcycle and one of the three motorcyclists fired.

Taking into consideration the fact that only suspicion is raised against the petitioners that too on account of the fact that petitioners had some verbal altercation three days prior to the occurrence but the investigating officer had not collected



any tangible material, let the petitioners, above named, in the event of their arrest or surrender within a period of four weeks be released on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Siwan in connection with Siwan Town P.S. Case No.757 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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